

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN ROBERT C. CLARK**, on March 30, 1999 at 10:00 A.M., in Room 312 - 1 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Robert C. Clark, Chairman (R)  
Rep. Dan McGee, Vice Chairman (R)  
Rep. Diana Wyatt, Vice Chairman (D)  
Rep. Chris Ahner (R)  
Rep. Shiell Anderson (R)  
Rep. Paul Clark (D)  
Rep. Aubyn A. Curtiss (R)  
Rep. Bill Eggers (D)  
Rep. Tom Facey (D)  
Rep. Steven Gallus (D)  
Rep. Gail Gutsche (D)  
Rep. Joan Hurdle (D)  
Rep. Rick Jore (R)  
Rep. Brad Molnar (R)  
Rep. Mark Noennig (R)  
Rep. Jim Shockley (R)  
Rep. Loren Soft (R)  
Rep. Carol Williams (D)  
Rep. Cindy Younkin (R)

**Members Excused:** None.

**Members Absent:** Rep. Sam Kitzenberg (R)

**Staff Present:** John MacMaster, Legislative Branch  
Pam Schindler, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 533, HJR 35, 3/27/1999  
Executive Action: SB 22-Be Concurred in, SB 533-  
Be Concurred in as Amended, SB

476-Be Concurred in as  
Amended; HJR 35-Do Pass as  
Amended

**EXECUTIVE ACTION ON SB 22**

**Motion/Vote:** REP. MCGEE moved SB 22-RECONSIDER AND REMOVE FROM  
TABLED STATUS. Motion carried 13-6 with Anderson, Facey, Hurdle,  
Jore, Shockley, and Wyatt voting no.

**Motion/Vote:** REP. MCGEE moved that SB 22 BE CONCURRED IN. Motion  
carried 13-6 with Anderson, Facey, Hurdle, Jore, Shockley, and  
Wyatt voting no.

(Rep. Kitzenberg absent during meeting)

***{Tape : 1; Side : A; Approx. Time Counter : 0 - 250}***

**HEARING ON SB 533**

**Sponsor:**

Senator Devlin presented SB 533.

***{Tape : 1; Side : A; Approx. Time Counter : 250 - 286}***

**Proponents:**

Mark Staples, Montana Wholesalers Association

***{Tape : 1; Side : A; Approx. Time Counter : 286 - 359}***

Jerome Anderson, Brown Williams Tobacco Co.

***{Tape : 1; Side : A; Approx. Time Counter : 359 - 384}***

Steve Wade, Phillip Morris Tobacco Co.

***{Tape : 1; Side : A; Approx. Time Counter : 384 - 399}***

Jeff Miller, Dept. of Revenue

***{Tape : 1; Side : A; Approx. Time Counter : 399 - 418}***

Steve Bullock, Dept. of Justice

***{Tape : 1; Side : A; Approx. Time Counter : 418 - 429}***

**Opponents:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

***{Tape : 1; Side : A; Approx. Time Counter : 429 - 550}***

*{Tape : 1; Side : B; Approx. Time Counter : 0 - 89}*

**Closing by Sponsor:**

Senator Devlin made closing statements.

*{Tape : 1; Side : B; Approx. Time Counter : 89 - 108}*

**HEARING ON HJR 35**

**Sponsor:**

Rep. Wyatt presented HJR 35.

*{Tape : 1; Side : B; Approx. Time Counter : 108 - 162}*

**EXHIBIT**(juh71a0

1)

**Proponents:**

Andrea Merrill, Mental Health Association

*{Tape : 1; Side : B; Approx. Time Counter : 162 - 211}*

**EXHIBIT**(juh71a0

2)

Kip Smith, Montana Primary Care Association

*{Tape : 1; Side : B; Approx. Time Counter : 211 - 258}*

Kathy McGowan, Montana Council of Mental Health Providers

*{Tape : 1; Side : B; Approx. Time Counter : 258 - 265}*

Anita Roessmann, Montana Advocacy Program

*{Tape : 1; Side : B; Approx. Time Counter : 265 - 285}*

**EXHIBIT**(juh71a0

3)

Jill Long, self

*{Tape : 1; Side : B; Approx. Time Counter : 285 - 300}*

Colleen Murphy, Montana Chapter/National Association of Social  
Workers

*{Tape : 1; Side : B; Approx. Time Counter : 300 - 326}*

Brian Garrity, self

*{Tape : 1; Side : B; Approx. Time Counter : 326 - 347}*

**Opponents:**

None

**Informational Testimony:**

None

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 347 - 550}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 17}

Closing by Sponsor:

Rep. Wyatt made closing statements.

{Tape : 2; Side : A; Approx. Time Counter : 17 - 55}

EXECUTIVE ACTION ON HJR 35

Motion: REP. AHNER moved HJR 35.

Motion/Vote: REP. GUTSCHE moved that HJR 35 BE AMENDED. Motion carried 19-0.

(Rep. Kitzenberg absent during meeting)

Motion/Vote: REP. AHNER moved that HJR 35 BE CONCURRED IN AS AMENDED. Motion carried 18-1 with Jore voting no.

(Rep. Kitzenberg absent during meeting)

{Tape : 2; Side : A; Approx. Time Counter : 55 - 70}

EXECUTIVE ACTION ON SB 533

Motion: REP. CURTISS moved that SB 533 BE CONCURRED IN.

Motion/Vote: REP. NOENNIG moved that SB 533 BE AMENDED. Motion carried 19-0.

(Rep. Kitzenberg absent during voting)

Motion: REP. SHOCKLEY moved that SB 533 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. EGGERS moved that SB 533 BE AMENDED. Motion carried 18-1 with Jore voting no.

(Rep. Kitzenberg absent during meeting)

Motion/Vote: REP. SHOCKLEY moved that SB 533 BE CONCURRED IN AS AMENDED. Motion carried 13-6 with Ahner, R. Clark, McGee, Molnar, Shockley, and Wyatt voting no.

(Rep. Kitzenberg absent during meeting)

{Tape : 2; Side : A; Approx. Time Counter : 70 - 319}

EXECUTIVE ACTION ON SB 476

**Motion/Vote:** REP. YOUNKIN moved SB 476-RECONSIDER AND REMOVE FROM TABLED STATUS. Motion carried 11-8 with R. Clark, Gallus, Gutsche, Hurdle, Jore, McGee, Shockley, and Williams voting no. (Rep. Kitzenberg absent during meeting)

**Motion:** REP. YOUNKIN moved that SB 476 BE AMENDED.

**Motion/Vote:** REP. NOENNIG moved SB 476-USE A SUBSTITUTE AMENDMENT WITH REP. YOUNKIN'S AMENDMENT. Motion carried 18-1 with Gallus voting no.

(Rep. Kitzenberg absent during meeting)

**Motion/Vote:** REP. NOENNIG moved that SB 476 BE CONCURRED IN AS AMENDED. Motion carried 17-2 with Gallus and Jore voting no.

(Rep. Kitzenberg absent during meeting)

***{Tape : 2; Side : A; Approx. Time Counter : 319 - 550}***

***{Tape : 2; Side : B; Approx. Time Counter : 0 - 96}***

Dinner plans were discussed wit the committee.  
Meeting adjourned.

**ADJOURNMENT**

Adjournment: 11:47 A.M.

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REP. ROBERT C. CLARK, Chairman

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PAM SCHINDLER, Secretary

RC/PS

**EXHIBIT** (juh71aad)